

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CYWEE GROUP LTD.,
Plaintiff

CASE NO.2:17-cv-00495-RWS
RSP

HUAWEI DEVICE CO. LTD.,
HUAWEI DEVICE
(DONGGUAN)
CO. LTD., AND HUAWEI
DEVICE
USA, INC.,

JURY TRIAL DEMANDED

Defendants.

DECLARATION OF ANDREW THORP

I, Andrew Thorp, hereby declare as follows:

1. I am a partner with the law firm of Harney Westwood & Riegels (“Harneys”), where I am the head of the British Virgin Islands (“BVI”) litigation and insolvency practice group. My business address is Craigmuir Chambers, Road Town, Tortola, BVI. I have been requested to make this affidavit on behalf of Huawei Device USA, Inc, Huawei Device Co Ltd (Dongguan) Co. Ltd and Huawei Device USA, Inc (collectively, “Huawei”) in relation to proceedings brought in the United States District Court for the Eastern District of Texas.

2. This declaration is comprised of both statements of legal opinion and statements of fact. Where the matters stated in this declaration are statements of legal opinion, such statements represent my view of BVI law as a practicing lawyer.

3. Where the matters stated in this declaration are statements of fact that are

within my personal knowledge, they are true. Where the matters stated in this declaration are statements of fact that are not within my personal knowledge, they are derived from documents and/or information supplied to me by or on behalf of Huawei and are true to the best of my knowledge, information and belief.

I. Professional Background

4. I received my Bachelor of Laws degree from the University of Nottingham in 1994. I undertook the Legal Practice Course at Chester College of Law in 1996 and was admitted to practice as a solicitor by the Law Society of England and Wales in 1998. I was admitted to practice as a solicitor in the BVI in 2005 and from that date was an associate of Harneys. In 2009, I became a partner of Harneys, and in 2013, I became the head of Harneys' BVI litigation and insolvency practice group. Harneys is the oldest and largest law firm in the BVI and has offices in twelve other jurisdictions.

5. I am a former global director of INSOL International, a world-wide federation that specialises in turnaround and insolvency representing over 44 Member Associations with over 10,000 professionals, members of the judiciary and regulators participating as members. In addition, I am the chairman of the Restructuring and Insolvency Professionals Association in the BVI and am on the editorial board of INSOL International. I am also a member of the Commercial Bar Association, an organization based in London that was formed to bring together lawyers who practice international and commercial law. I am also an overseas member of the Chancery Bar Association and a member of the BVI Bar Association.

6. My practice in the BVI focuses on advising *inter alia* major international law firms, banks, investment funds and trust companies on all aspects of BVI contentious law.

II. The BVI

7. I understand that this action arises under the patent laws of the United States, 35 U.S.C. I further understand that there is a dispute regarding the ability of the plaintiff to bring the action given its failure to register as a foreign entity. The Plaintiff, CyWee is an entity incorporated according to the laws of the British Virgin Islands and specifically the BVI Business Companies Act 2004 (“The Act”).

8. There is no provision within the Act that would affect or seek to govern the capacity of a BVI company in good standing to bring an action either within the BVI or abroad. Therefore, if a BVI company seeks to pursue an action abroad, it may do so subject to local law and procedure.

I declare, under penalty of perjury under the laws of the United States of America that the information set forth above is, to the best of my knowledge, information and belief, true and correct.

Executed on this 16th day of October 2017.



Andrew Thorp